

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

2009 OCT -5 PM 4:17

UNITED STATES OF AMERICA

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rm Daniel
SO. DIST. OF GA.

v.

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CASE NO. CR409-116

PINALBEN MANILAL PATEL,

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Defendant.

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O R D E R

Before the Court is the Government's Motion for a Preliminary Order of Forfeiture. (Doc. 42.) Defendant has agreed to the forfeiture in her plea agreement. (Pinalben Manilal Patel Summary of Plea Agreement at 2.) For the reasons set forth below, the Government's Motion is **GRANTED**.

1. As a result of the guilty plea to Counts One of the April 9, 2009 Indictment, for which the government sought forfeiture pursuant to 7 U.S.C. § 2024(b)(1), Defendant Pinalben Manilal Patel shall forfeit to the United States any property constituting, derived from, or proceeds obtained directly or indirectly from the commission of the offense charged. Specifically, Defendant shall forfeit \$237,562 in United States Currency ("the Property").

2. The Court has determined, based on evidence in the plea agreement and presented at the May 27, 2009 change of plea hearing, that the property is subject to forfeiture pursuant to

7 U.S.C. § 2024(b)(1), that the government has established the requisite nexus between the Property and the offense to which Defendant entered a plea of guilty.

3. Upon entry of this Order, the United States Marshal or its designee, is authorized to seize the Property.

4. The United States Attorney for the Southern District of Georgia is authorized to conduct any discovery proper in identifying, locating, or disposing of the Property subject to forfeiture in accordance with Fed. R. Crim. P. 32.2(b)(3).

5. Upon entry of this Order, the United States is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

6. The United States shall publish notice of the Order and its intent to dispose of the Property in such a manner as the United States may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the Property.

7. Pursuant to 21 U.S.C. § 853, any person, other than the above named Defendant, asserting a legal interest in the Property may, within thirty (30) days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the

validity of his or her alleged interest in the Property and for an amendment of the Order of Forfeiture.

8. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to Defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2).

9. Any petition filed by a third party asserting an interest in the Property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Property; the time and circumstance of the petitioner's acquisition of the right, title or interest in the Property; and any additional facts supporting the petitioner's claim and the relief sought.

10. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

11. The United States shall have clear title to the Property following the Court's disposition of all third party interests or, if none, following the expiration of the period

provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.

12. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

13. The Clerk of the Court is **DIRECTED** to forward **four (4)** certified copies of this Order to Assistant United States Attorney R. Brian Tanner, United States Attorney's Office for the Southern District of Georgia, P.O. Box 8970, Savannah, Georgia 31401.

SO ORDERED this 5th day of October, 2009.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA